

# APPROVED

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

THE VILLAGES, FLORIDA

OCTOBER 29, 2013

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:34 a.m. on October 29, 2013, at The Villages Savannah Center (1545 N. Buena Vista Boulevard, The Villages, Florida). The following persons were present:

#### Board Members Present

Carlos M. Beruff, Chair  
Michael A. Babb, Vice Chair  
Randall S. Maggard, Secretary  
Bryan K. Beswick, Member  
Thomas E. Bronson, Member  
David W. Dunbar, Member  
Wendy Griffin, Member  
George W. Mann, Member  
H. Paul Senft, Member

#### Board Member(s) Absent

Jeffrey M. Adams, Treasurer  
Todd Pressman, Member

#### Staff Members

Robert R. Beltran, Executive Director  
Laura J. Donaldson, General Counsel  
Kurt P. Fritsch, Inspector General  
David T. Rathke, Chief of Staff  
Mark A. Hammond, Division Director  
Alba E. Más, Division Director  
Kenneth L. Frink, Division Director

#### Board's Administrative Support

Cara Martin, Board & Executive Services Manager  
LuAnne Stout, Administrative Coordinator

A list of others present who signed the attendance roster is filed in the permanent records of the District. This meeting was available for viewing through Internet streaming. Approved minutes from previous meetings can be found on the District's Web site ([www.WaterMatters.org](http://www.WaterMatters.org)).

### **PUBLIC HEARING** (Video – 00:00)

#### 1. Call to Order

Chair Beruff called the meeting to order and opened the public hearing. Mr. Maggard noted a quorum was present.

#### 2. Pledge of Allegiance and Invocation

Mr. Rathke offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

### **Public Hearing**

Chair Beruff introduced each member of the Governing Board. He noted that the Board's meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Beruff stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Beruff stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson. (Audio – 00:00/04:45)

3. **Additions/Deletions to Agenda**

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown, as determined by the presiding officer. Based upon that authority, the Chair has determined that good cause exists to make certain changes to the agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed.

Mr. Beltran noted the following deletions to the agenda:

CONSENT AGENDA

Operations & Land Management Committee

7. Accept Land Donation – Peace Creek Canal Project, SWF Parcel No. 20-696-157

General Counsel's Report

13. Rulemaking

- a. Initiation and Approval of Rulemaking to Amend Chapter 40D-26, F.A.C., Facilitating Agricultural Resource Management Systems Program, Amend 40D-1.659, F.A.C., Forms and Instructions, and Adopt Revised Application Form to Allow Funding for Projects that Improve Groundwater Quality Impacted by Nutrients in the Springs Coast Region

**Mr. Senft moved, seconded by Mr. Maggard, to approve the amended agenda. The motion carried unanimously. (Audio – 04:45/07:55)**

4. **Ceremony to Honor Douglas B. Tharp for His Service on the Governing Board**

Chair Beruff thanked Mr. Tharp for his five years of service. Mr. Beltran thanked Mr. Tharp for being a champion for water conservation, and presented Mr. Tharp with a plaque and framed resolution to honor his service from September 2008 to May 2013, as well as a plaque for his Basin Board service. Messrs. Senft, Maggard, Beswick and Mann thanked Mr. Tharp for the honor of serving with him. Ms. Griffin thanked Mr. Tharp for serving with compassion and grace. Mr. Tharp welcomed the Board to The Villages which now has over 100,000 residents and continues to grow. He said serving on the Board was valuable to him and he could not have done so without the tremendous support of his wife, Claudette. He thanked the Board and staff for all good things being done water conservation. (Audio – 07:55/13:20)

5. **Public Input for Issues Not Listed on the Published Agenda**

Chair Beruff noted that one *Request to Speak* had been submitted but no one came forward when called.

**CONSENT AGENDA** (Video – 12:40)

Chair Beruff asked that, before the Board considers action on the Consent Agenda, whether there is anyone in the audience who wishes to address the Board regarding an item on the Consent Agenda. No one came forward.

Chair Beruff then asked the Board members if they have any items which need to be removed from the Consent Agenda for consideration on the appropriate Committee's Discussion Agenda. Mr. Babb requested Item 8 be moved to the Resource Management Committee.

Chair Beruff noted that Items 7 and 13.a. were deleted, and Item 8 will be removed from the Consent Agenda and placed on the appropriate Committee agenda.

### Regulation Committee

6. **Individual Water Use Permits (WUPs) Referred to the Governing Board – WUP No. 20009226.007 – Blue Head Farms, LLC / Eason Groves – Blue Head Farm (DeSoto County)**

Staff recommended the Board approve the proposed permit as included in the meeting materials as an exhibit.

### Operations & Land Management Committee

7. **Accept Land Donation – Peace Creek Canal Project, SWF Parcel No. 20-696-157 –**  
This item was deleted from consideration.

### Resource Management Committee

8. **Minimum Flows and Levels and Reservations Priority List and Schedule Update –**  
This item was moved to Resource Management Committee Discussion Items.
9. **Adopt Resolution No. 13-19, Water Management Lands Trust Fund for the Duck Slough Watershed Best Management Practices (BMPs) Implementation Project**  
Staff recommended the Board adopt Resolution No. 13-19 requesting encumbrance of \$1,000,000 from the Water Management Lands Trust Fund for construction of the Duck Slough Watershed Best Management Practices Implementation project.

### Finance/Outreach & Planning Committee

10. **Budget Transfer Report**  
Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for September 2013.
11. **Rescind Board Policies 170-7, Basin Board Education Committee, and 170-8, Basin Board Land Resources Committee; and Amend 110-5, Conduct of Board Meetings**  
Staff recommended the Board approve rescinding Board Policies 170-7, Basin Board Education Committee, and 170-8, Basin Board Land Resources Committee; and amending Board Policy 110-5, Conduct of Board Meetings.

### General Counsel's Report

12. **Administrative, Enforcement and Litigation Activities that Require Governing Board Approval**
  - a. **Consent Order – Permit Condition Violation – Copper Ridge Master Association, Inc. (Copper Ridge Subdivision) - ERP No. 44024714.000 – Polk County**  
Staff recommended the Board approve the proposed consent order and authorize the initiation of litigation against Copper Ridge Master Association, Inc. if necessary to obtain compliance with the consent order.
  - b. **Consent Order – Overpumpage Penalties – Vikings, LLC (Juliette Falls Golf & Country Club) - WUP No. 20012843.002 – Marion County**  
Staff recommended the Board approve the proposed Consent Order and authorize the initiation of litigation against Vikings, LLC if necessary to obtain compliance with the Consent Order.
  - c. **Interagency Agreement between the SFWMD and the SWFWMD – Designation of Regulatory Responsibility – Tub Hill Ranch – Polk County**  
Staff recommended the Board approve the Interagency Agreement Between the South Florida Water Management District (SFWMD) and the Southwest Florida Water Management District (SWFWMD) for Designation of Regulatory Responsibility for Tub Hill Ranch in Polk County.
  - d. **Initiation of Litigation – Submittal of As-Builts and Statement of Completion – Joseph Williams (Williams Building Expansion) - ERP No. 46031920.000 – Hillsborough County**  
Staff recommended the Board authorize the initiation of litigation against Joseph Williams, and any other appropriate parties, to obtain compliance and recovery of District court costs and attorney's fees.
13. **Rulemaking**
  - a. **Initiation and Approval of Rulemaking to Amend Chapter 40D-26, F.A.C., Facilitating Agricultural Resource Management Systems Program, Amend 40D-1.659, F.A.C., Forms and Instructions, and Adopt Revised Application Form to Allow Funding for Projects that Improve Groundwater Quality Impacted by Nutrients in the Springs Coast Region** - This item was deleted from consideration.

### **Executive Director's Report**

14. **Approve Governing Board Meeting Minutes**

- a. First Public Budget Hearing – September 10, 2013
- b. Monthly Meeting – September 24, 2013
- c. Final Public Budget Hearing – September 24, 2013

Staff recommended the Board approve the minutes as presented.

**Mr. Senft moved, seconded by Mr. Maggard, to approve the Consent Agenda as amended. The motion carried unanimously.** (Audio – 13:20/14:50)

Chair Beruff relinquished the gavel to Finance/Outreach & Planning Committee Vice Chair Bronson who called the Committee meeting to order.

### **FINANCE/OUTREACH & PLANNING COMMITTEE** (Video – 13:25)

#### ***Discussion Items***

15. **Consent Item(s) Moved for Discussion** – None

16. **Investment Strategy Quarterly Update**

Mr. Rathke said this item provides a quarterly update of the investment portfolio by the District's investment advisors.

Mr. Richard Pengelly, representing PFM Asset Management LLC, used a slide presentation to provide a brief overview of the monthly market conditions for performance, specific trades and investment strategy going into next quarter. (Audio – 14:50/30:15)

Mr. John Grady, representing Public Trust Advisors, used a slide presentation to review investment performance for the quarter ended September 30, 2013. The year-end quarterly report showed performance on both a book value and total rate of return basis, and compared the results to the portfolio's performance benchmarks. (Audio – 30:15/41:45)

No action was taken by the Board.

17. **Development of Preliminary Fiscal Year 2014-15 Budget**

To initiate the preliminary budget development process, Mr. Rathke provided the Board an overview using a slide presentation to show the factors affecting budget development and recommend acceptance of the general budget assumptions needed to prepare the District's preliminary budget for FY2014-15. The FY2014-15 preliminary budget will be submitted to the Department of Environmental Protection and the Executive Office of the Governor (EOG) during the week of December 2, 2013 for initial review and comment. In December, staff will provide the preliminary budget to the Governing Board, with any furnished comments, for approval for submission to the Legislature by January 15, 2014.

Mr. Rathke noted the preliminary budget is being prepared before the FY2014-15 cooperative funding requests have been evaluated by the District and before staff has had an opportunity to develop an expenditure budget to support District operations in FY2014-15. Staff continues to look for opportunities to gain efficiency in recurring expenditures. For non-recurring expenditures, staff will recommend including all cooperative funding requests for FY2014-15, and District project requests approved by Executive staff for inclusion in the preliminary budget.

Mr. Rathke said that development of the District's final budget will begin in February 2014. All budget requests will be subject to Governing Board review and approval during the development of the final budget for FY2014-15, including the tentative budget submission to the Governor and Legislature by August 1, 2014.

Staff recommended the Board accept the general budget assumptions as outlined in the October 29, 2013 budget presentation for development of the District's preliminary FY2014-15 budget.

**Vice Chair Bronson moved, seconded by Mr. Maggard, to approve the staff recommendation as presented.** Following clarification for Board members' questions, **the motion carried unanimously.** (Audio – 41:45/52:00)

#### ***Submit & File Report***

The following item was submitted for the Committee's information, and no action was required.

18. **Legislative Update**

#### ***Routine Reports***

The following items were provided for the Committee's information, and no action was required.

19. **Treasurer's Report and Payment Register**
20. **Monthly Financial Statement**
21. **Monthly Cash Balances by Fiscal Year**
22. **Comprehensive Plan Amendment and Related Reviews**
23. **Development of Regional Impact Activity Report**
24. **Significant Activities**

Committee Vice Chair Bronson adjourned the Committee meeting and relinquished the gavel to Regulation Committee Chair Mann who called the Committee meeting to order.

### **REGULATION COMMITTEE** (Video – 50:55)

25. **Consent Item(s) Moved for Discussion** – None
26. **Denials Referred to the Governing Board** – None

#### ***Submit & File Report***

The following item is submitted for the Committee's information, and no action is required.

27. **Southern Water Use Caution Area Quantities**  
Ms. Más noted that the information is being presented in a new format. She said this chart will be provided yearly on a fiscal basis. (Audio – 52:00/54:15)

#### ***Routine Reports***

The following items were provided for the Committee's information, and no action was required.

28. **Overpumpage Report**
29. **E-Permitting Metrics: Online vs. Paper Applications**
30. **Individual Permits Issued by District Staff**
31. **Resource Regulation Significant Initiatives**

Committee Chair Mann adjourned the Committee meeting, and relinquished the gavel to Operations & Land Management Committee Chair Maggard who called the Committee meeting to order.

## **OPERATIONS & LAND MANAGEMENT COMMITTEE** (Video – 53:12)

### ***Discussion Items***

32. **Consent Item(s) Moved for Discussion** – None

33. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said September historically marks the last month of the four-month rainy season (June-September). Rainfall during the first three-weeks of the month was regionally variable with scattered afternoon/evening rainstorms associated with seabreeze/convective activity, while the last week saw abundant rainfall associated with Gulf moisture from a slow moving frontal boundary. Rainfall during the 2013 rainy season was above-normal throughout the District, bringing a District-wide rainfall surplus of about 5.9 inches above the long-term historic average. The District-wide 12-month and 24-month cumulative rainfall deficits improved to 1.2 and 2.7 inches, respectively, below the long-term historic averages. Groundwater and lake level conditions saw improvements during the month, although regional lake levels remain below-normal in the Northern, Polk Uplands and Lake Wales Ridge regions. Streamflow conditions improved in the northern region, while they slightly declined in the central and southern regions. The US Drought Monitor (as of October 1) continues to show normal moisture conditions throughout the District. Normal rainfall during the upcoming dry season (October-May) will be needed to prevent current hydrologic conditions from dropping to “below-normal” levels, while above-normal rainfall will be needed to bring regional lake level conditions in the Northern, Polk Uplands and Lake Wales Ridge regions to normal levels. (Audio – 00:54:15/01:02:05)

In response to Mr. Maggard’s inquiry, Mr. Warren Hogg, representing Tampa Bay Water (TBW), said that TBW has been maximizing water from the Tampa Bypass Canal/Hillsborough River and taking some from the Alafia River. (Audio – 01:02:05/01:03:45)

This item was presented for the Committee’s information, and no action was required.

### ***Submit & File Report***

The following item was submitted for the Committee’s information, and no action was required.

34. **Recreation Ad Hoc Committee Update**

Mr. Joe Quinn, Land Management Section Manager, Operations and Land Management Bureau, provided a brief update. He noted that three public information meetings have been held with a combined total attendance of over 50 people. He said almost 1,100 survey responses have been received through the website and noted the final public information meeting is scheduled for November 5 at the Bartow office. (Audio – 01:03:45/01:05:15)

### ***Routine Reports***

The following items were provided for the Committee’s information, and no action was required.

35. **Structure Operations**

36. **Significant Activities**

Operations & Land Management Committee Chair Maggard adjourned the Committee meeting, and relinquished the gavel to Resource Management Committee Chair Babb who called the Committee meeting to order.

## RESOURCE MANAGEMENT COMMITTEE (Video – 64:15)

### *Discussion Items*

37. **Consent Item(s) Moved for Discussion** – Item 8

8. **Minimum Flows and Levels and Reservations Priority List and Schedule Update**

Mr. Doug Leeper, Chief Environmental Scientist, Water Resources Bureau, noted that, pursuant to Sections 373.036(7) and 373.042(2), Florida Statutes (F.S.), the District is required to annually update its priority list and schedule for the establishment of minimum flows and levels (which also identifies water bodies scheduled for development of reservations), submit it to the Florida Department of Environmental Protection (FDEP) for approval, and include the approved list in the District's Consolidated Annual Report.

Mr. Leeper said this year there is a new requirement that calls for the identification of proposed water reservations. The language shown below was included on the proposed list in an Adopted Reservations section based on adopted Southern Water Use Caution Area (SWUCA) rules that indicate the District anticipates developing reservations to recover minimum flows and levels in the SWUCA.

*Southern Water Use Caution Area (adopted prospectively to address water that is developed through water resource development projects designed to achieve adopted minimum flows and levels for the protection of fish and wildlife).*

Staff has discussed this item with general counsel and determined that the language should not be included on the priority list because the adopted SWUCA rules do not identify a specific reservation. Staff therefore recommends deletion of the language shown above from the proposed priority list and schedule.

**Mr. Maggard moved, seconded by Mr. Bronson, to approve the Minimum Flows and Levels Priority List and Schedule and Reservations List and Schedule as amended for submission to the FDEP for review and approval as required by Chapter 373, F.S. The motion carried unanimously. (Audio – 01:05:15/01:08:25)**

***Submit & File Reports*** – None

### ***Routine Reports***

The following items were provided for the Committee's information, and no action was required.

38. **Minimum Flows and Levels**

39. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**

40. **Significant Water Supply and Resource Development Projects**

Resource Management Committee Chair Babb adjourned the Committee meeting and relinquished the gavel to Chair Beruff.

## GENERAL COUNSEL'S REPORT (Video – 67:30)

### *Discussion Items*

41. **Consent Item(s) Moved for Discussion** – None

### ***Submit & File Report***

The following item was submitted for the Committee's information, and no action was required.

42. **ERP Penalties Equal to or Greater Than \$5,000 (July 1 – September 30, 2013)**

### ***Routine Reports***

The following items were provided for the Committee's information, and no action was required.

43. **Litigation Report**  
44. **Rulemaking Update** (Audio – 01:08:25/01:09:00)

### **COMMITTEE/LIAISON REPORTS** (Video – 67:50)

The following items were provided in the Board's meeting materials.

45. **Joint Agriculture and Green Industrial Advisory Committees Meeting**  
46. **Well Drillers Advisory Committee Meeting**  
47. **Environmental Advisory Committee Meeting**  
Ms. Griffin reviewed the topics for the Committee's next meeting. She noted there was discussion by the Committee about providing input regarding timely topics such as SWUCA, Springs and CFWI.  
48. **Other Committee/Liaison Reports** – None (Audio – 01:09:00/01:10:25)

### **EXECUTIVE DIRECTOR'S REPORT** (Video 69:15)

49. **Executive Director's Report**  
Mr. Beltran thanked staff for their preparation and great job done for this meeting. He said the updated SWUCA Chart shows clearly what is being done in that area. In response to Ms. Griffin's comment, he said staff is looking forward to working with the advisory committees on these critical resource issues. (Audio – 01:10:25/01:11:05)

### **CHAIR'S REPORT** (Video – 69:53)

50. **Chair's Report**  
a. **Employee Service Milestones**  
Chair Beruff reviewed the list of employees who have reached five-year increments in service to the District. He said he appreciates their service and commitment to the District.

This item was provided for the Board's information, and no action was required.

- a. **Other** – None

Chair Beruff recessed the public hearing. (Audio – 01:11:05/01:11:50)

### **WORKSHOP** (Video – 70:54)

51. **Springs**  
Mr. Beltran provided opening remarks noting that last month, the District initiated its Strategic Plan and one of the northern priorities is the restoration of springs and their network. Springs are an important ecologic and economic resource to the District and the State. This is not a unique feature to this District. Under the guidance of the Governor's office, this issue is being coordinated by several agencies including the Florida



Department of Environmental Protection, Florida Department of Agriculture and Consumer Services and Water Management Districts (WMDs), along with local governments and other citizens groups. He recognized the Executive Directors from two other WMDs: Dr. Ann Shortelle, Suwannee River, and Hans Tanzler, St. Johns River. He noted that also in attendance today is Nick Abrahams from Senator Charlie Dean's office. (Audio – 01:11:50/01:14:40)

Mr. Beltran said the District's Springs Team was formed a year ago using a diverse group of scientists and engineers being led by Ms. Veronica Craw, Springs and Environmental Flows Manager, and Dr. Chris Anastasiou, Senior Environmental Scientist, Natural Systems and Restoration Bureau. He said this is a long-term investment and today's presentations will discuss strategy to move forward in developing a comprehensive plan that covers the next five to ten years.

Mr. Beltran asked if there was anyone in the audience who wished to address the Board. No one came forward. (Audio – 01:14:40/01:16:30, Video – 75:30)

Ms. Craw said this workshop will provide an overview of significant activities, followed by a technical focus on two Surface Water Improvement and Management (SWIM) Case Studies presented by Dr. Anastasiou – Rainbow and King's Bay. She said the workshop will then be opened for discussion on seven specific priority actions.

Ms. Craw said there are over 150 springs Districtwide. She said there are five first-magnitude groups – Rainbow, King's Bay, Homosassa, Chassahowitzka, and Weeki Wachee. Each group is unique and combined provides approximately 1 billion gallons of water each day to the Gulf of Mexico, hence the designation of "Springs Coast." The overall approach begins with the Strategic Plan which sets the priority to restore springs and identifies the objectives to implement water quality improvement projects and establish natural systems restoration plans with targets. The recently completed Springs Management Plan is consistent with the Strategic Plan and builds upon previous efforts. The Springs Management Plan lays out a general restoration strategy, an overview of the issues and objectives, and includes a list of proposed projects for the five-year period through 2017. The adaptive management approach is to protect systems from further degradation, restore water quality and habitat to the best possible, and maintain gains/progress that has been accomplished. Approximate dates for preparing the system specific management plans are public input in May 2014, Governing Board approval in July 2014, and Florida Department of Environmental Protection approval in August 2014. (Audio – 01:16:30/01:27:45, Video – 86:10)

Dr. Anastasiou provided an overview of what makes a healthy spring. He said the issues and drivers are water quality (reduced clarity, elevated nutrients, increased salinity), fish and wildlife habitat (loss of beneficial habitats, invasive species, muck accumulation), and flow and discharge (spring flow reductions, slower river flow, longer residence times). He then reviewed the issues and drivers for Rainbow River and King's Bay, and the current actions being taken by the District's Springs Team to improve these systems. (Audio – 01:27:45/02:19:50, Video – 171:00)

Ms. Craw reviewed the priority actions for discussion:

- Programmatic
  - Expand the SWIM Priority List to include all five first-magnitude spring groups
  - Establish a policy/technical/citizen level group for consensus building

- Water Quality
  - Upgrade and expand waste water treatment plants
  - Connect septic tanks to central sewer
- Habitat
  - Address commercial and residential fertilizer use
  - Manage recreation and manatee use
  - Implement long-term maintenance plans

Board discussion ensued regarding the issues and drivers, and priority actions. (Audio – 02:19:50/03:03:35, Video – 182:30)

Mr. Tanzler and Dr. Shortelle addressed the Board to express their agreement with the direction discussed during the workshop and importance of partnerships to accomplish these actions.

There being no further business to come before the Board, **Chair Beruff moved to adjourn the meeting. Mr. Babb seconded the motion and it carried unanimously.** (Audio – 03:03:35/03:14:15, Video – 194:15)

The meeting was adjourned at 12:44 p.m.